

U.S. Application Serial No. 09/942,010

R E M A R K S

The present amendment is in response to the Official Action dated October 10, 2004, wherein the Examiner rejected pending claims 1-53. More specifically, the Examiner rejected claims 1-13, 15-32, 34-36 and 38-53 as being anticipated by Sweet et al., US Patent Publication No. 2002/0031230, and rejected claims 14, 33 and 37 as being unpatentable over Sweet et al., '230, in view of Tokue et al., US Patent Publication No. 2002/0002413. However, no specific rejection has been raised relative to claim 43, and at least one of the references relied upon in support of the Examiner's rejection, namely Tokue et al., '413, has not been established as qualifying as prior art relative to the present application. Still further, the teachings of Sweet et al., '230, have been misapplied to the above noted claims in attempting to suggest that the same are anticipated, either as originally filed or as presently amended, where amendments have been introduced in an attempt to make the same even more clear and/or to correct informalities of a clerical nature.

While the present application generally provides for a cryptographic key, which is shared by the one or more communication devices of a domain, which enables the digital content to be received and decrypted by the communication devices of the domain, Sweet et al., '230, does not similarly provide for such a cryptographic key, which is shared by the entities which form a domain for purposes of accessing domain authorized content. Alternatively, Sweet et al., '230, includes a working key, which is generally unique for each data object including information of interest (see pg. 1, par. [0011]). Sweet et al., '230, in addition to a working key, further includes credential keys, which may limit access to portions of a data object (see pg. 1, par. [0014]), dependent upon the set of credentials in a particular user's member profile, that is generally unique for each user (see pg. 3, par. [0035]).

To the extent that Sweet et al., '230, discusses domain level access, the access is generally associated with access to an encrypted header file, which is associated with an encrypted data object, but is not the same as the encrypted data object (see pg. 9, par. [0132]). The cited reference then provides that read and write access to the encrypted data object are then preferably accomplished through the use of pseudo-random value encryption keys, which are based upon credential keys (see pg. 9, par. [0133]), which as noted above are further based upon the set of credentials contained in each member profile, which is unique to each user.

U.S. Application Serial No. 09/942,010

At best, the encrypted data object, identified in the cited reference, and not the associated header file, is more closely akin to content. Consequently a domain level of access to a header file is not the same as providing a shared domain-level cryptographic key, which enables the receipt and decryption of digital content, based upon membership in the domain, as provided by the claims of the present application. "Content" is defined by the American Heritage Dictionary of the English Language, Fourth Edition, published by the Houghton Mifflin Company (2000), as "the substantive or meaningful part". Alternatively, "header" is defined by the Free On-line Dictionary of Computing, Denis Howe, (1993-2004), as "the portion of a packet, preceding the actual data" and "the part of an electronic mail message or news article that precedes the body of a message". Hence, one skilled in the art would not recognize header information as being equivalent to content.

Even at a more basic level, the use of the term domain in the cited reference relates to a group of members identified through individual member accounts, which is silent as to "having one or more communication devices", as provided by the claims of the present application. While the present application describes members as having individual member accounts and corresponding member tokens, no such designation is described relative to one or more various communication devices. In fact, the present application envisions that a particular user may have more than one communication device (see pg. 8, lines 2-3), which in turn can be enrolled in the same domain. The cited reference is silent as to any relationship of one or more "communication devices" relative to a domain.

The above noted-inconsistencies between the cited reference and the present application make generally inapplicable the teaching of the reference in attempting to make known or obvious any of the claims of the present application. Consequently, Sweet et al., '230, fails to support an alleged anticipation of each of the independent claims, as well as each of the corresponding dependent claims, which depend therefrom. The above noted differences do not take into account the possibility that the relied upon teachings of Sweet et al., '230, similar to Tokue, '413, may not be prior art relative to the present application, in so far as the priority date of Sweet et al., '230, is based upon two provisional applications, which are minimally required for purposes of predating the priority date of the present application. It is noted that the

U.S. Application Serial No. 09/942,010

Examiner's rejections have not yet made reference to the teachings as they may have existed in the corresponding priority documents.

As presently amended, the claims are allowable over the prior art of record for the reasons noted above. Allowance of the application is respectfully requested.

In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectively requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,

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